



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:  
Dennis Duprey

Serial No. 10/741,829

Filing Date: December 19, 2003

For: System and Method for Performing a Full Copy in a Data Storage Environment Having a Capability for Performing an Incremental Copy

Attn. Docket No. EMC-03-098CIP1

Mail Stop - Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

**CERTIFICATE OF MAILING BY EXPRESS MAIL**  
**Date of Deposit: August 9, 2007**

Sir:


Kindly find enclosed the following documents;

1. Express Mail Certificate - **Label No. EB 450006174 US**
2. Transmittal Form (2 copies) (2 page);
3. Notice of Allowance (3 pages)
4. Fee Transmittal PTOL-85 (2 copies) (2 pages);
5. Notice of Drawing Inconsistency with Specification (1 page);
6. Amendment Under Rule 312 (4 pages);
7. Change of Correspondence Address PTO/SB/122 (1 page);
8. Fee Address Indication Form PTO/SB/47 (1 page);and
9. Acknowledgement Postcard.

I hereby certify that this paper and fee are being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the, Commissioner of Patents, P.O. Box 1450, Alexandria, Va. 22313-1450.

  
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Carl B. Tegtmeier


**EB450006174US**

<b>TRANSMITTAL FORM</b> 		Application No.:	10/741,829	
		Filing Date:	12/19/2003	
		First Named Inventor:	Dennis Duprey	
		Confirmation No.:	6176	
		Group Art Unit	2187	
		Examiner:	Farrokh, Hashem	
Total Number of Pages in this Submission:		14	Docket No.	EMC-03-098CIP1

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> <b>Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 for fees associated with this transaction (in duplicate)</b>  <input type="checkbox"/> Amendment  <input type="checkbox"/> After Final Affidavits/Decl. <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> <b>Amendment Under Rule 312</b> <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet  <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Associate Power of Attorney  <input type="checkbox"/> Revocation of Power of Attorney <input type="checkbox"/> Formal Drawings <input type="checkbox"/> Letter to Official Draftsperson with _____ sheets of Formal Drawings, Figs. 1 through _____, labeled. <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate)  <input type="checkbox"/> Continued Prosecution Application (CPA) <input checked="" type="checkbox"/> <b>Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)</b>  <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Certificate of First Class Mailing  <input checked="" type="checkbox"/> <b>Certificate of Express Mail Mailing</b> <input checked="" type="checkbox"/> <b>Postcard</b>  <input checked="" type="checkbox"/> Additional Enclosures: <b>NOTICE OF DRAWING INCONSISTENCY</b>
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**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

<u>8/9/2007</u> Date: August 9, 2007  Tel: (914) 798 8505	 Carl A. Giordano, Esq. (Reg. No. 41,780) EMC Corporation Office of the General Counsel 44 S. Broadway, 7 <sup>th</sup> flr. White Plains, NY 10601
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**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]**

I hereby certify that this correspondence and the above-referenced documents are being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail, label number EB 450006174 US in an envelope addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703)

<u>8/9/07</u> Date: August 9, 2007	 Signature  Carl B. Tegtmeier Typed or printed name of person signing certificate
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### Notice of Allowability

Application No.

10/741,829

Examiner

Hashem Farrokh

Applicant(s)

DUPREY ET AL.

Art Unit

2187

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/07.
2. ☒ The allowed claim(s) is/are 1,3-5,9,11,12,16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

**NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

**10/741,829**

The drawings filed 12-19-2003 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures \_\_\_\_\_ are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figure 19 is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450

Alexandria, VA 22313-1450

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FORM PTO-1631 (REV. 10-03)